IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 29803 of 2007(W)

PETITIONER:

JACOB JOHN,
CIRCLE INSPECTOR OF EXCISE,
EXCISE CIRCLE OFFICE,
KUNNATHOOR, KOLLAM DISTRICT.

BY ADV. SRI.N.SUGATHAN
SMT.VARSHA BHASKAR
SRI.S.PRASANTH (AYYAPPANKAVU)

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM.

3. THE ASSISTANT EXCISE COMMISSIONER,
KOLLAM.

4. A.ABDUL KALAM,
CIRCLE INSPECTOR OF EXCISE,
EXCISE CHECK POST, ARYANKAVU,
KOLLAM DIST.

R1 TO 3 BY G.P. SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON 15/10/2007 DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C) No.29803 of 2007

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Dated this the 15th day of October, 2007.

JUDGMENT

The petitioner who is working as a Circle Inspector was transferred from the KSBC Warehouse, Palakkad and posted at Excise Circle Office, Kunnathoor as per Ext.P5 order of transfer. He later took charge at Kunnathoor as per Ext.P7 on 4.10.2007. On 5.10.2007 a communication was issued from the Office of the Commissioner of Excise, Ext.P8, indicating that the promotions, postings and transfers of Excise Inspectors and Circle Inspectors ordered as per Ext.P5 is kept in abeyance until further orders. It is aggrieved by Ext.P8 that the petitioner filed this W.P.

2. On instruction learned Government Pleader submits that in as much as petitioner was found to have taken charge at Kunnathoor as evidenced by Ext.P7, prior to the issuance of Ext.P8, the Commissioner of Excise has decided that the petitioner should be retained at Kunnathoor itself. It is further submitted that the transfers and postings as evidenced by Ext.P5 and similar orders are being looked into and possibly there can be a reconsideration of the entire transfers and postings. But for the present, Ext.P8 will not be enforced and the petitioner will be permitted to continue

at Kunnathoor itself. Submission is recorded. No further issue survives in this W.P. at this stage. Petitioner's contentions are left open. W.P. is disposed of as above.

V.GIRI
Judge

pms